

**CITY OF NORWALK
CONSERVATION COMMISSION
JULY 28, 2009**

PRESENT: Karen Destefanis, Chair; Ed Holowinko; Elizabeth Ackerman; D. Seeley Hubbard; Matthew Caputo (6:10pm.)

STAFF: Yarifalia Bletsas, Environmental Compliance Officer

OTHERS: Mike Pepiciello; Geoffrey Allimant; Pat Cutrone; Atty. Elizabeth Suchy; Robert Nute; Lucy Procinini

I. CALL TO ORDER

Ms. Destefanis called the meeting to order at 6:00 pm.

II. ROLL CALL

Ms. Bletsas took the roll.

III. RECEIPT AND DISCUSSION

a) #S09-354 – 6 Mystic Court – Pepiciello - Construction of a rear addition and storage shed adjacent to a watercourse and wetland

Ms. Bletsas described the item, explaining that it involved a two-car garage addition over the driveway. She showed aerial photos and stated that the pond was stone-lined, with a two-foot stone wall around it. She said that the pond was man-made and manicured.

Mr. Mike Pepiciello explained that he wished to add the two-car garage for storage space. He described the stone wall as well-protected, emphasizing that nothing was likely to get into the pond.

Ms. Destefanis asked about the distance between the garage and the pond. Mr. Pepiciello said that it was 10 feet from the storm wall to the garage.

Ms. Ackerman asked about drainage off the roof of the structure. Mr. Pepiciello said that there was a storm drain on the edge of the driveway, which took rainwater away.

Ms. Destefanis asked if the applicant intended to expand beyond the paved area. Mr. Pepiciello said no, stating that eight feet of paved area would actually be replaced by grass.

Ms. Ackerman asked about the area near the pond with regard to landscaping. Mr. Pepiciello clarified that the pond was man-made. He explained that he had

purchased the property 27 years ago and wanted to make the pond bigger. He added that the pond contained wildlife, particularly frogs. He said that it contained a fountain and an aerator and that the maintenance was a priority.

IV. DISCUSSION &/or DECISION I

a) #S09-353 – 5 Driftwood Lane – Allimant – Corrective Action deposition of fill, grading, and removal of vegetation adjacent to a wetland and watercourse

Ms. Bletsas stated that the applicant would discuss the survey. She said that the applicant was requesting a 65-day extension.

Mr. Jeffrey Allimant said that elevations on the survey were incorrect and therefore the plans had to be redone. He said that the amount of fill and the proper grading of the site needed to be reassessed.

b) #S06-244A -22 Bonnybrook Road – Duncan – Corrective Action permit modification to allow an extension of time to complete work and to allow other work performed beyond the scope of the permit

Ms. Bletsas said that the applicant had been present at the last meeting and that a draft resolution was in the packets.

Ms. Ackerman asked for clarification of the issues. Ms. Bletsas reiterated the need for the applicant to remove fill.

**** MR. CAPUTO MADE A MOTION TO APPROVE THE ITEM AND TO ADOPT THE DRAFT RESOLUTION.**

**** MR. HUBBARD SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

c) #S09-352 – 310 Ely Avenue – Cutrone – Construction of a multi-unit residential building with associated drainage, parking, and watercourse relocation in and adjacent to a wetland and watercourse

Ms. Bletsas said that the applicant was present and asked if any more information was needed.

Mr. Pat Cutrone said that a new set of plans had been turned in.

d) #S09-350 – 8 Norden Place – Norden Place, LLC – Construction of a multi-family residential building, four detached single-family buildings and associated parking, drainage and other activities in and adjacent to wetlands and watercourses

Ms. Destefanis recused herself. Ms. Hubbard acted as Chair.

Ms. Bletsas said that an environmental consultant had been selected but that Ms. Cherichetti was still working on a contract.

Atty. Liz Suchy said that the environmental consultant Michael Klein had been in touch with Robert Jontos. She added that payment still needed to be made on the consultant.

Ms. Bletsas said that the only remaining issue was the signing of the contract, which could not occur until the applicant paid the additional application fee.

Atty. Suchy said that the area was very overgrown and that visitors to the site needed to be warned about the presence of ticks. There was a discussion of whether to visit the site as a group, which would require a public meeting.

**** MR. CAPUTO MADE A MOTION TO AMEND THE AGENDA TO TAKE UP REFERRAL a)**
**** MS. ACKERMAN SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

VII. REFERRALS

a) Zoning Commission - #7-09R/#7-09SP - Norden Place, LLC - 8 Norden Place - Proposed amendments to Section 118-711 to permit multifamily and single family dwellings by special permit in Restricted Industrial zone

Atty. Suchy stated that the text amendment was similar to that of three years ago. She discussed the adjustments to the text amendment, including parking spaces and the inclusion of a recreation space. She reiterated that there were no changes to setbacks, coverage or height. She said that the gist of the proposal was to allow residential use in a Restricted Industrial zone.

Ms. Ackerman pointed out a letter from a citizen concerning the proposal. Atty. Suchy discussed the environmental team's response to the areas of concern mentioned in the letter. She added that the letter had been sent to Ms. Cherichetti and also that the resident who wrote it lived on the other side of I-95.

Ms. Ackerman asked about the status of the DEP investigation. Atty. Suchy said that the information provided went to 2006 and that updates had been given since 2006.

A representative of Spinnaker Real Estate Partners explained that one area of the site had been remediated and was greatly improved.

Ms. Ackerman asked if the two applications concerning the property had been

progressing on the same track. Atty. Suchy said yes, pointing out that the Zoning Commission's hearing would take place after the Conservation Commission's hearing.

Ms. Bletsas clarified that the item regarding the Zoning Regulation text amendment would be considered as a referral, not as part of the review of the Inland Wetland Permit application. Mr. Hubbard pointed out that they are two separate commissions and that one advisory and the other regulatory.

Ms. Destefanis returned to the meeting.

e) #S09-349 – 10 Douglas Drive – Nenin –Corrective Action deposition of fill and removal of vegetation in and adjacent to a wetland and watercourse

Mr. Caputo recused himself.

Ms. Bletsas said that the applicant had been put on the agenda as a placeholder and in order that the Commission could recommend that a survey was acquired. She clarified that a significant amount of fill was near the wetland and also that the slope of the property remained a concern. She showed a photograph from 2003.

Ms. Destefanis asked how much fill had been brought in. Ms. Bletsas said that it was an estimated 700 cubic yards. She added that a survey would clarify the question of whether this constituted a significant regulated activity.

The Agency agreed to consider the item as involving a significant regulated activity.

Mr. Caputo returned to the meeting.

f) #S09-343 – 252 Fillow Street – Sacco – Construction of a bridge and associated activities in and adjacent to a watercourse and wetland

Ms. Bletsas said that a public hearing was set for August 11 and that the applicant was obtaining title searches.

V. PUBLIC HEARING (to begin at 7:00 p.m.)

a) #S09-351 – Rowayton Woods Drive - Rowayton Woods Condominium Assoc. – Corrective Action Pond rehabilitation and drainage improvements, with associated removal of vegetation, grading, discharge and landscaping within and adjacent to a wetland and watercourse

Ms. Destefanis opened the public hearing and discussed the ground rules.

Ms. Bletsas took the roll call.

Rob Nute discussed the drainage improvements and described the flooding experienced in the complex. He gave background concerning the drainage easement, pointing out that a 100-year storm had been seen twice in three years. He emphasized that the system was being designed to incorporate the existing wetlands and that the applicant had reduced the flooding concern as well as possible.

Ms. Bletsas said that the applicant had given notice to the neighbors and to The Hour.

Ms. Lucy Procicini, 234 Highland Avenue, stated that her driveway was across the street from the entrance to Rowayton Woods and that she was concerned about water flow onto her property. She added that she wanted to have something in writing to assure that the problem was managed.

Mr. Nute explained that the applicant had a hydrology report and that the time it took the water to flow through the system had been lengthened. He added that the elevation was almost 30 feet and also that nothing actually connected her property with this drainage system. He added that catch basins were on the site itself.

Ms. Bletsas asked if the Wetland System Pond Maintenance Manual were available on a PDF. Mr. Nute agreed to put the manual on a PDF.

**** MR. HUBBARD MADE A MOTION TO CLOSE THE PUBLIC HEARING.
** MR. CAPUTO SECONDED.
** MOTION PASSED UNANIMOUSLY.**

VI. DISCUSSION &/or DECISION II

a) #S09-351 – Rowayton Woods Drive - Rowayton Woods Condominium Assoc. – Corrective Action Pond rehabilitation and drainage improvements, with associated removal of vegetation, grading, discharge and landscaping within and adjacent to a wetland and watercourse

**** MR. CAPUTO MADE A MOTION TO APPROVE THE ITEM AND TO
ADOPT THE RESOLUTION IN THE STAFF REPORT.
** MR. HUBBARD SECONDED.
** MOTION PASSED UNANIMOUSLY.**

VIII. APPROVAL OF MINUTES

a) July 14, 2009

The item was tabled until the next meeting.

IX. COMMENTS OF STAFF

a) Compliance Summary

Ms. Bletsas discussed a Cease and Restore order.

b) Report of Senior Environmental Officer

There were none tonight.

X. COMMENTS OF COMMISSIONERS

a) Report of Commission Chair

There were none tonight.

XI. ADJOURNMENT

**** MR. CAPUTO MADE A MOTION TO ADJOURN.
** MS. DESTEFANIS SECONDED.
** MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 7:17 pm.

Respectfully submitted by Charlene Smith.